

REMARKS/ARGUMENTS

Claims 24, 29-34, 39-43 and 47-48 are active. Claims 44-46 are “not entered”. Independent claim 24 has been amended as discussed during the interview. The dependent claims have been revised for consistency with claim 24. No new matter has been added.

The Applicants thank Examiners Shaw and Switzer for the courteous and helpful interview of February 20, 2008. Language which would avoid the indefiniteness and enablement rejections was discussed. It was suggested that claim 24 be revised to indicate the specific nucleotides appearing at position 421 of SEQ ID NO: 1 and the relative decreased capacity of the allele having “A” at that position (compared to the allele with “C”) to encode a protein with decreased transport capacity. The Examiners indicated that they would review the description of Compound B (formula I).

Restriction/Lack of Unity

The Applicants previously elected with traverse, Group I, Claims 1-4, 8 and 20-21. An election of the SNP (single nucleotide polymorphism) at position 421 of SEQ ID NO: 1 was also made. Claims 5-7, 9-19 and 22-23 (now cancelled) have been withdrawn from consideration and the Restriction/Lack of Unity Requirement made FINAL.

Rejection—35 U.S.C. §112, second paragraph

Claims 24, 29-34, 39-43 and 47-48 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §112, first paragraph

Claims 24, 29-34, 39-43 and 47-48 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement. This rejection is moot in view of amendments above.

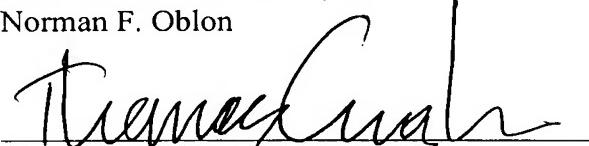
Conclusion

In view of the amendments and remarks above, the Applicants respectfully submit that this application is in a condition for allowance. Early notification of such is earnestly requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon



Thomas M. Cunningham, Ph.D.  
Registration No. 45,394

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)